

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**

9 ISRAEL MALDONADO RAMIREZ,  
10 Plaintiff,

11 v.  
12 DIRECTOR ALL HOSPITAL, et al.,  
13 Defendants.

Case No. 1:22-cv-01642-ADA-SAB (PC)

ORDER TERMINATING ACTION  
PURSUANT TO PLAINTIFF'S NOTICE OF  
VOLUNTARY DISMISSAL

(ECF Nos. 21, 22)

15  
16 Plaintiff Israel Maldonado Ramirez is proceeding pro se and in forma pauperis in this civil  
17 rights action filed pursuant to 42 U.S.C. § 1983.  
18

On June 7, 2023, Plaintiff filed two separate notices of voluntary dismissal. (ECF Nos.  
21, 22.)

“[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his  
21 action prior to service by the defendant of an answer or a motion for summary judgment.’ ”  
22 Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999)  
23 (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has  
24 held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet  
25 to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th  
26 Cir. 1993).

27     ///

28     ///

1 Here, no Defendant has filed an answer or motion for summary judgment in this case.  
2 Therefore, Plaintiff's notice of dismissal is effective as of the date it was filed, and this case shall  
3 be closed. (ECF Nos. 21, 22.)

IT IS SO ORDERED.

6 Dated: June 8, 2023



---

UNITED STATES MAGISTRATE JUDGE